

REPEAL THE FOLLOWING

~~§ 12.08.005. Police Power.~~

~~This chapter is hereby declared to be an exercise of the police power of the City for the public peace, health, safety and welfare and its provisions are to be liberally construed. (Ord. 2476 § 3, 2015)~~

~~§ 12.08.010. Definitions.~~

~~The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:~~

- ~~1. "Director" means the Director of the Parks and Recreation Department of the City.~~
- ~~2. "Park" means and includes all City owned or operated parks and all areas within the boundaries of such City parks, improved or unimproved trails or open spaces, public squares, golf courses, beaches, play and recreation grounds, City owned or operated community centers, shelters, restrooms, athletic fields and facilities, or parking lots associated with any park within the City limits.~~
- ~~3. Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.~~

~~(Ord. 2476 § 4, 2015)~~

~~§ 12.08.020. Motorized Vehicles.~~

~~Unless otherwise posted or approved by the Parks and Recreation Director, it is unlawful to operate any motorized vehicles in any park except upon a paved roadway or parking lot.~~

~~(Ord. 2476 § 5, 2015)~~

~~§ 12.08.030. Fireworks or Firearm Discharge.~~

~~It is unlawful to shoot, fire or explode any firearms, fireworks, firecracker, torpedo or explosive of any kind or to shoot or fire any air gun, bows and arrows, B.B. gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park.~~

~~(Ord. 2476 § 6, 2015)~~

~~§ 12.08.040. Fires.~~

~~It is unlawful to build any fire, except in devices designed and designated to contain such fires and such designation is clearly defined by signs posted in such area. No open fires are permitted unless authorized by the Parks and Recreation Director.~~

~~(Ord. 2476 § 7, 2015)~~

~~§ 12.08.050. Charcoal Grills.~~

~~The use of charcoal for barbecues is not allowed except in devices designated by the City and such designation is clearly defined by signs posted in such area. Charcoal must be~~

~~§ 12.08.050~~ ~~§ 12.08.100~~

~~disposed of in designated charcoal receptacles.
(Ord. 2476 § 8, 2015)~~

~~§ 12.08.060. Smoking.~~

~~A. Persons should refrain from the use of any form of tobacco and electronic smoking devices in all City parks and outdoor recreational facilities at all times, excluding Foster Golf Links.~~

~~B. It is unlawful to use any form of tobacco, nicotine, or electronic smoking devices, including but not limited to vaporizers and e-cigarettes, within 25 feet of any children's play equipment.~~

~~(Ord. 2476 § 9, 2015)~~

~~§ 12.08.070. Amusement Attractions.~~

~~Unless otherwise posted or approved by the Parks and Recreation Director, it is unlawful to erect any inflatable structure or attraction including, but not limited to, "bounce houses," dunk tanks, pony rides, etc. in or on park property with the exception of City-sponsored events.~~

~~(Ord. 2476 § 10, 2015)~~

~~§ 12.08.080. Soliciting, Concessions, Commercial Activities.~~

~~Unless otherwise posted, or approved by the Parks and Recreation Director, it is unlawful to conduct any of the following activities in or on park property:~~

- ~~1. Sell refreshments or merchandise, or operate a fixed or mobile concession, event, or traveling exhibition.~~
- ~~2. Solicit, sell, offer for sale, peddle, hawk any goods or services.~~
- ~~3. Film, record, or photograph for commercial purposes.~~
- ~~4. Conduct classes or organized competitions.~~
- ~~5. Attach or secure to any vehicle or structure any circular notice, leaflet, pamphlet or printed material of any kind.~~
- ~~6. Use, place or erect any advertising in any park; or attach any notice bill, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; or place or erect in any park, a structure of any kind.~~

~~(Ord. 2476 § 11, 2015)~~

~~§ 12.08.090. Trail Use.~~

~~Trail users must abide by all posted signs along trails in the City.~~

~~(Ord. 2476 § 12, 2015)~~

~~§ 12.08.100~~ ~~§ 12.08.120~~

~~**§ 12.08.100. Facilities Use Reservations.**~~

~~Programs and activities scheduled by the Parks and Recreation Department have first priority for use of parks and facilities. Otherwise, parks and facilities will be available on a “first-come, first served” basis; provided, users shall yield use of a park area or facility to the participants in any program or activity scheduled by the Parks and Recreation Department. All park users shall abide by all rules and regulations and shall not unreasonably interfere with other persons’ use of or the City’s maintenance or operation of park facilities.
(Ord. 2476 § 13, 2015)~~

~~**§ 12.08.110. Park Hours.**~~

~~Unless otherwise posted or approved by the Parks and Recreation Director, it is unlawful for any person to be in or on park property when it is closed. A park may be closed to public use during certain hours as determined by the Mayor. Unless otherwise posted, public parks are closed from 30 minutes past sunset until 30 minutes before sunrise.
(Ord. 2476 § 14, 2015)~~

~~**§ 12.08.120. Violation — Penalty.**~~

~~Except as otherwise provided by state law or the Tukwila Municipal Code, violation of any provision of Tukwila Municipal Code Chapter 12.08 shall be punishable by a civil infraction in an amount not to exceed \$100.
(Ord. 2476 § 15, 2015)~~

PROPOSED NEW CHAPTER 12.08

12.xx.xxx Chapter Constitutes park code.

This chapter shall constitute the park code of the City of Tukwila and may be cited as such. Conduct in all public parks shall be subject to all applicable provisions of the Tukwila Municipal Code, the general police regulations of the City of Tukwila, and rules adopted by the Parks and Recreation Department and not exclusively to the provisions of this chapter.

12.xx.xxx Exercise of Police Power

This chapter is hereby declared to be an exercise of the police power of the State of Washington, the City of Tukwila, and the Parks and Recreation Department for the public peace, health, safety, and welfare, and its provisions shall be liberally construed.

xx.xx.xxx Definitions

"Busk" is the act of performing in a public area for voluntary donations, including, but not limited to, the following activities: acting, singing, playing musical instruments whether amplified or not, pantomime, juggling, magic, dancing, and reciting. This does not include the production of items for sale.

"Busker" means a person who has obtained a permit pursuant to this chapter.

"Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction and any local rule adopted thereto by the Tukwila Municipal Court.

"Camp" means to pitch, use or occupy camp facilities for the purposes of habitation, living accommodation, or dwelling as evidenced by the storage of personal belongings in "camp facilities" or the use of "camp paraphernalia", or as further defined in the Tukwila Municipal Code.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as a temporary living quarters. "Camp facilities" does not include shelters when used temporarily in a park for recreation or play during hours when the park is open to the public, or as further defined in the Tukwila Municipal Code.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities or similar equipment, or as further defined in the Tukwila Municipal Code.

"Director" means the Director of the Parks and Recreation Department of the City of Tukwila or their designee.

"Drones" or "Unmanned Aircraft Systems" (UAS) or "Unmanned Aerial Vehicle" (UAV) means a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. The vehicle may be expendable and recoverable.

"Micromobility device" means a personal transportation device such as bicycles, scooters, skateboards, roller skates, roller blades, unicycles, mono wheel devices, surreys, electric personal assistive mobility devices (EPAMD) and electric motorized foot scooters. A micromobility device includes all human powered devices, including devices powered by more than one person, and

devices that are powered by an electric motor that is capable of propelling the device with or without the assistance of human propulsion.

"Park" means and includes all parks, squares, drives, parkways, docks, piers, boulevards, golf courses, beaches, ponds, fountains, aquatic facilities, spray grounds, playgrounds, recreation areas, community centers, museums, shelters, restrooms, athletic fields and facilities, trails, paths or open spaces, or parking lots associated with any park within the City limits and any other facilities either improved or unimproved, that are owned by the City of Tukwila, or under the management and control of the City of Tukwila.

"Park Ranger" shall mean a city employee who has been deputized by the Chief of Police with a special commission that has limited authority to enforce specific state laws and local ordinances to provide resource protection; enforce park rules, regulations and other applicable city, county and state laws; assist visitors; conduct light maintenance; monitor for damage or hazards; and provide education and outreach.

"Park rule" for purposes of Section xx.xx means those particular rules or codes of conduct the Director of Parks and Recreation has adopted and has designated, by rule, as those for which a violation may lead to exclusion from a park under Section xx.xx.xxx

"Permit" means an authorization for the use of parks and recreation facilities that impose conditions on the permittee in addition to those conditions imposed on the general public.

"Recreation program" means any program or activity conducted, sponsored, or assisted by Tukwila Parks and Recreation, whether or not it occurs in a park.

"Sound-producing source" means anything that is capable of making sound. Sound-producing source includes, but is not limited to the conditions stipulated in TMC 8.22.010 or as subsequently amended.

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location, or as further defined in the Tukwila Municipal Code.

"Structure" means any structure or shelter, including but not limited to any temporary makeshift dwelling units, lean-tos, shacks and/or trailers, comprised of tree branches, wood, plastic, metal, nylon, tarp or any other materials.

"Vape" or "Vaping" means the use of any kind of vapor product.

"Vapor product" means any noncombustible product containing solution or other consumable substance, regardless of whether it contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

"Vehicle" shall have the meaning set forth in RCW 46.04.670 as currently enacted or hereafter amended and shall also include (1) trailers, including trailers designed to be towed behind any vehicle, and (2) any personal transportation device such as bicycle, scooters, skateboards, unicycles, surreys or mono wheel devices that are powered by an internal combustion engine that is capable of propelling the device with or without human propulsion. A micromobility device is not a vehicle.

Wherever consistent with the context of this chapter, words in the present, past, or future tenses shall be construed to be interchangeable with each other, and words in the singular number shall be construed to include the plural.

Xx.xx.xxx Authority and responsibility of Parks and Recreation Director

The parks and recreation department shall have all the powers to perform all the duties provided by the laws of the state relating to park and recreational departments in cities under the Optional Municipal Code. The parks and recreation department shall have the management of the park, golf, trail, open space and recreation system and the administration of the rules and regulations provided by the mayor and city council for the management of municipal parks, golf and recreation areas.

The director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department of parks and recreation.

xx.xx.xxx Authority of park ranger

A park ranger is authorized to enforce provisions of the Tukwila Municipal Code, the general police regulations of the City of Tukwila, laws of the state of Washington, and rules adopted by the Parks and Recreation Department, consistent with and limited to their special commission from the Chief of Police.

xx.xx.xxx Permits – Generally.

Permits, when required by this chapter, shall be applied for through the Director unless otherwise specified. The granting, denying or revocation of permits shall be based upon the policies and standards set forth in this chapter and the rules of the Director, as now or hereafter amended, which are incorporated herein as though fully set forth. Where fees are required by the Director for the issuance of permits, payment of such fees will be required before permits are issued. All permits issued hereunder shall be subject to other applicable Tukwila Municipal Code provisions, City ordinances, and Parks and Recreation Department rules. The persons to whom such permits are issued (“permittees”) shall be bound by said code, ordinances, and rules as fully as though the same were contained in such permits. A permittee shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence, unlawful or wrongful conduct of the permittee, as well as for any breach of such code, ordinances, or rules, to the person or persons so suffering a loss, damage, or injury.

Any person claiming to have a permit issued hereunder must produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

xx.xx.xxx Permits- Assemblies, entertainment, etc.

Any person who conducts or participates in any organized entertainment, demonstration, or public gathering in any park shall obtain a permit from the Director. The procedure for application and consideration of permits for this purpose is as follows:

A. Any person seeking to obtain a permit shall file a written application with the Director no later than one month prior to the date of the proposed use. The application shall state the purpose

for which the park would be used, the date and time of the proposed use, the name of the park and the area thereof that would be used, the anticipated number of persons who would be present, and such other information reasonably relating to the contemplated use as the Director may require; provided, however, that said director may, for good cause shown, waive the one-month requirement for filing said application.

B. When the proposed use is an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Section 3, 4, 5, or 11 of the Washington Constitution, the application shall be processed promptly, without charging a fee for political or religious activities other than a fee based on the cost of processing the application, or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberties of applicants and the public.

C. If, under the conditions set forth in subsection A of this section, the Director finds after an investigation that the safety, comfort, and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, they may deny the application, may impose restrictions upon the permit, or may issue a permit for a different date, time, park, or park area so as to alleviate such burden. The Director may issue a permit for use of the park during hours when the park is closed if they approve the application.

xx.xx.xxx Soliciting

It is unlawful for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption in any park, except by permit issued by the Director.

xx.xx.xxx Busking

A. Permit required. A busker shall obtain and display a permit at all times while performing in a park. A busking permit may be suspended or revoked if the busker violates any provision of this chapter or any permit regulation. A busking permit shall be nontransferable and shall remain the property of the city. Each member of a group of performers shall be required to obtain a busking permit.

B. The Public Works Department Director is authorized and directed to adopt and promulgate rules as deemed necessary for the permitting of busking on sidewalks and rights-of-way as defined in this chapter.

C. Prohibitions and restrictions.

1. It is unlawful for any person to busk in any park, sidewalk and rights-of-way without first obtaining a permit.
2. A busker shall not block the passage of the public through a park, sidewalk or public rights-of-way. If a sufficient crowd gathers to see or hear a busker such that the passage of the public through a public area is blocked a City of Tukwila employee, park ranger or police officer may disperse that portion of the crowd that is blocking the passage of the public. A busker shall not be asked to leave the location unless all other means of restoring the public safety or order have been exhausted.
3. A busker shall not perform in a park, sidewalk or public rights-of-way so as to obstruct access to private property, except with the prior consent of the owner or manager of the property.
4. No busker shall use profane, obscene, or lewd language or imagery while performing.

PROPOSED AMENDMENTS TO TMC 12.08 PARK RULES AND REGULATIONS (Version 1- 3.11.26)

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5. No busker may generate noise that is in excess of the permissible sound levels as defined in TMC 8.22.050 or as otherwise exempted pursuant to TMC 8.22.100.

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x.xx.xxx Public disturbance noises.

A. Noise in parks and penalties for violations is regulated by TMC 8.22 as now enacted or as subsequently amended, except that permitted events must comply with the standard set forth herein.

B. The use of public address systems or other sound-amplifying devices must be approved by specific permit.

C. It is a violation to use a public address or sound-amplifying device in a park without a permit.

x.xx.xxx Signs, Posters and notices.

A. It is unlawful for any person, without prior written permission of the Director or otherwise consistent with regulations established by the Director consistent with this section, to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park.

B. It is unlawful for any person, without prior written permission of the Director otherwise consistent with regulations established by the Director consistent with this section, to use, place or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, whether permanent or temporary.

x.xx.xxx Destruction of park property.

It is unlawful for any person to damage or destroy any real or personal property within a park or to physically interfere with any City of Tukwila employee in the discharge of their duties within a park.

x.xx.xxx Intoxicating liquors and marijuana.

A. The display, possession, or consumption of intoxicating liquors in any park is prohibited, except in particular areas or facilities which may be expressly designated from time to time by the Director. The penalty for any violation of this section shall be as set forth in RCW 66.44.100, as currently enacted or as subsequently amended.

B. The opening of a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consuming marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, in any park is prohibited. "Marijuana" means marijuana as defined by RCW 69.50.101 as now or hereafter amended. The penalty for any violation of this section shall be as set forth in RCW 69.50.445, as now enacted or as subsequently amended.

C. Whenever any person is stopped for a violation of this section, the officer may detain that person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

x.xx.xxx Smoking and vaping in parks prohibited.

It is unlawful for any person to smoke or vape any product derived from or containing nicotine within a park, unless the product has been approved by the United States Food and Drug Administration as a tobacco cessation product, such as transdermal nicotine patches, nicotine gum and nicotine lozenges, or for the other medically approved purposes and is being used for that

approved purpose. For the purposes of this section, "smoke" or "smoking" means the carrying, holding, or smoking of any kind of pipe, cigar, cigarette, or any other object that is lighted and used for smoking.

x.xx.xxx Damage or removal of plants prohibited.

Unauthorized cutting, removal, or destruction of any turf, tree, plant, shrub, flower, or seaweed on park property is prohibited. While inside any park, having in one's possession any newly-plucked branch, tree, flower, plant, fungus (mushrooms, shelf fungus, etc.), algae (seaweed, etc.), or shrub without specific permission shall be presumptive evidence of such unauthorized cutting, removal, or destruction.

x.xx.xxx Disposal of trash.

No person shall throw or leave litter, garbage, trash, or yard waste in or at a park except in a receptacle provided for that purpose. No person shall deposit on any park property any household or commercial garbage, refuse, or rubbish which is brought as such from any private property. The penalty for violation of this section shall be as set forth in TMC 8.80.020.

x.xx.xxx Animal control.

A. Unless in a designated off-leash area, dogs and cats must be on a leash no longer than eight feet or secured inside a vehicle and are not allowed to enter ponds, fountains, spraygrounds, or any play area designed to utilize water in any park. Animals of any other type are not permitted in any park unless first approved by the Director, except for service animals, as defined in RCW 9.91.170.

B. Any person with an animal in their possession shall be responsible for the conduct of the animal.

C. The Director may prohibit animals, except for service animals as defined in RCW 9.91.170, from events and/or facilities within a park.

D. All provisions of Title 7 of this code remain in full force and effect in all parks and may be enforced by any police officer, park ranger or animal control officer.

x.xx.xxx Molesting or feeding animals.

No person shall molest or harass any wildlife or non-domesticated animal in a park. It shall be unlawful for any person to give, offer, or attempt to give to any wildlife or non-domesticated animal within a park any tobacco, drink, or other substance known to be dangerous or noxious to wildlife or non-domesticated animals. It is also unlawful to feed any wildlife or non-domesticated animal in a park, except as authorized by the Director.

x.xx.xxx Damage by animals.

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed, in addition to impounding fees and the penalty imposed for violation of these provisions.

x.xx.xxx Prohibitions as to boating, fishing, and swimming.

It is unlawful for any person to boat, fish, wade, swim, scuba dive, snorkel, or bathe in any park except in the places and at times designated by the Director.

x.xx.xxx Boats and beaches.

No dock or any other structure shall be built upon any beach unless expressly authorized. Launching or landing of waterborne craft from any shoreline within the limits of any park is prohibited, except in an emergency involving rescue or lifesaving, in specifically designated areas or with a specific permit issued by the Director. The launching or landing of waterborne craft, as provided in this section, shall be unlawful if any required fee, as determined by the Director, has not been paid.

x.xx.xxx Fires.

Fires are prohibited except in picnic stoves installed under the authority of the Director or in portable barbeques. Fires in any other facility or area are allowed only by special permit. Fires in picnic stoves or portable barbeques may only utilize propane or charcoal briquettes as fuel; all other fuel sources, including wood, are specifically prohibited. Portable barbeques may be utilized only for cooking food. Briquettes must be completely extinguished and properly disposed of or removed from the park. The Director may further restrict the use of barbeques within any park, provided that signs are installed to notify patrons of the restrictions

x.xx.xxx Use of certain equipment.

It is unlawful for any person to erect any inflatable structure or attraction including, but not limited to, bounce houses, dunk tanks, horse/pony/mule rides, etc.; use a slingshot, bow and arrow, bean shooter, paintball gun or similar implement or equipment; operate any hot air balloon, sky lantern or other device that uses a flame for lift or propulsion or other similar implement; or use golf or archery equipment in or upon any park; except that golf and archery equipment may be used in areas specifically designated for that use, or as otherwise authorized by the Director.

It is unlawful to practice or play golf, baseball, tennis, soccer, or other games of like character, or to hurl or propel any projectile or missile into or over any park, except in areas specifically designated for that use. It is unlawful to operate motorized model aircraft, drones, unmanned aircraft systems (UAS), unmanned aerial vehicle (UAV), motorized models such as cars, cycles, trucks, or watercraft in any park, except as specifically designated for that use or as otherwise authorized by the Director.

x.xx.xxx Fireworks or Firearm Discharge.

It is unlawful to carry, shoot, fire, or explode any fireworks or explosives of any kind in any park and is unlawful to shoot, fire or explode any firearm, air gun, B.B. or pellet gun in any park.

xx.xx.xxx Vehicle and micromobility device standards.

- A. It is unlawful to enter or leave a park by other than established entrances and exits.
- B. Vehicles are prohibited in any park, except on roads intended for the movement of public vehicular traffic, or on roads specifically designated and signed for such use.
- C. Micromobility devices are permitted on roads, sidewalks, paths or trails in any park unless otherwise prohibited and signed for the particular micromobility device(s) being prohibited.
- D. The parking of vehicles in any park is prohibited except in established parking areas. It is unlawful to park along roadways if the normal flow of traffic is impeded or if parking causes conditions that are hazardous to public safety. Any vehicle that is impeding traffic or is illegally parked may be impounded.
- E. No person shall service, wash, wax, or change the oil of any vehicle within a park.

F. It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, micromobility device, or animal in any park without specific permit.

G. All vehicles and micromobility devices shall obey the posted speed limits and all other regulatory signs

x.xx.xxx Setting of fees and charges

The Director is authorized to charge fees for entering parks, parking, programs, activities, services, and permits as well as for the use of city park and recreation facilities as are established by city ordinances, park rules and policies as now exist or are hereafter amended. The Director is also authorized to waive or reduce such fees, establish experimental rates and engage in special promotional and marketing activities. All fees and charges shall remain in effect unless they are repealed, superseded or amended by ordinance or department action. Fees, rates and charges and amendments thereto shall be publicly posted on the City's website, publicly posted at Tukwila Community Center, Foster Golf Course and filed with the City Clerk. Whenever a fee is paid for the use of Department facilities or property or for participation in a Department sponsored class, program, or service and no use or rights have been exercised pursuant thereto and application is made for refund, the Director may authorize such fee refunded.

x.xx.xxx Gifts, bequests and donations

Pursuant to TMC 3.36, as currently enacted or as subsequently amended, and upon delegation by the Mayor, the Director may solicit and accept from the general and business communities, non-profit organizations and all other persons, gifts, bequests and donations to the city of or in support of parks and recreation facilities, services and programs. The Director shall assure that expenditures from the gift, bequest or donation are consistent with the terms, if any, requested by the grantor. Unless otherwise promulgated by ordinance, policy or rule, the Mayor or their designee shall promulgate appropriate administrative rules, policies and/or standard operating procedures regarding the acceptance of gifts, bequests donations.

x.xx.xxx Advertising, sponsorship and naming rights

Pursuant to TMC 3.36, as currently enacted or as subsequently amended, and upon delegation by the Mayor, the Director may negotiate and enter into advertising, sponsorship and naming rights agreements for the purpose of providing financial support for parks and recreation facilities, services and programs. Unless otherwise promulgated by ordinance, policy or rule, the Mayor or their designee shall promulgate appropriate administrative rules, policies and/or standard operating procedures regarding advertising, sponsorship and naming rights.

x.xx.xxx Camping

A person commits the offense of unlawful camping in a park if they camp in any park pursuant to TMC 8.41 except as otherwise provided by ordinance, park rule, or as permitted and so designated by signs.

x.xx.xxx No structures in parks; exceptions.

A. It is unlawful to erect, maintain, use or occupy any structure within a park, except as permitted under Chapter 8.41 TMC.

B. "Structure" means any structure or shelter, including but not limited to any temporary makeshift dwelling units, lean-tos, shacks and/or trailers, comprised of tree branches, wood, plastic, metal, nylon, tarp or any other materials.

C. This section shall not apply to:

1. Any structure erected installed or placed within a park by the owner or operator of the park or as expressly authorized by the Director.
2. A temporary structure that has only a roof and no walls.

x.xx.xxx Opening and closing hours, no use of parks when closed, exceptions.

A. Parks are considered open one-half hour before sunrise and closed one-half hour after sunset, unless otherwise expressly determined by the Director or otherwise posted at the park. Any person entering or remaining in a park when it is closed is subject to arrest and prosecution for criminal trespass. Any vehicle remaining in a park when the park is closed may be impounded and any personal property or structure remaining in a park when the park is closed may be removed.

B. The Director may extend open hours for sanctioned events or uses, but only that portion of a park specified by the Director will be open beyond normal hours; other areas of such a park shall remain closed.

C. This section shall not apply to:

1. Starfire Sports facility or any other concessioned or leased facility constructed and operated in a park, or as otherwise specified by the Director.
2. police officers, park rangers or other park employees while on-duty.
3. sidewalks that are within the right-of-way of a public street, when the street is not within the boundaries of a park.

x.xx.xxx Emergency conditions.

A. In case of an emergency, or in case where life and property are endangered, all persons, if requested to do so by the Director or other City of Tukwila employee, park ranger or a police officer, shall depart from the portion of the grounds specified by such employee, ranger or officer, and shall remain off the same until permission is given to return.

B. Any person who remains on park property after being required to leave by a City of Tukwila employee, park ranger or by a police officer, or who returns to the park without permission, is guilty of criminal trespass pursuant to Chapter 9A.52 RCW, TMC 8.23 and/or TMC 8.40.040. Any juvenile violating this section may be arrested and prosecuted under chapter 9.52 RCW, as currently enacted or hereafter amended.

x.xx.xxx Aiding and abetting violations.

Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

x.xx.xxx Penalty for violations.

Unless specifically designated to be enforced pursuant to other law, including, but not limited to, state law or another section, chapter, or title of the Tukwila Municipal Code, any violation of this chapter shall constitute a civil infraction, not including statutory assessments. Each civil infraction shall carry with it a monetary penalty of \$100.00 for the first violation, \$175.00 for a second violation of the same nature or a continuing violation, and \$250.00 for a third or subsequent violation of the same nature or a continuing violation. Such penalty is in addition to any other remedies or penalties provided by law including, but not limited to, another section, chapter, or title of the Tukwila Municipal Code or the Revised code of Washington. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

x.xx.xxx Authority to adopt a code of conduct.

The use and enjoyment of parks are enhanced when patrons abide by a code of conduct that promotes health and safety, that requires respect for the rights and needs of others, and that requires respect for the park property. The Director may adopt a code of conduct that regulates any activity or behavior in parks to protect the public's health and safety, to promote respect for the rights and needs of others, and to preserve park property. The Director may also include within the code of conduct criteria to determine the length of any exclusion notice issued pursuant to TMC 8.23 and 8.40.040.

x.xx.xxx Park Safety – Enforcement

x.xx.xxx Park safety.

A. General. Park rules, as promulgated in this chapter, are established to provide a system by which the greatest number of people may obtain the maximum satisfaction from the use of city parks. For the rules to serve this purpose, they must be understood and followed by the park users. Accordingly, park safety involves both public awareness and rule enforcement programs.

B. Application of park safety program. The degree and extent to which the application of park safety shall be adapted to city parks shall be based on purpose and location of each park and recreation facility, its environment and surrounding community, the number and type of persons using it, the number and type of rule violations that have occurred in the past, and the perception that the people of the city have of the park or facility as a safe place to use. The Department shall keep records of safety problems and rules violations in each facility and continuously evaluate its safety program for each facility based on those records.

x.xx.xxx Responsibilities. Park safety is the responsibility of both the Tukwila Police Department and the Parks and Recreation Department. Specific responsibilities include the following:

A. Parks and Recreation Department:

1. Enforcing park rules and rules of conduct set forth in the ordinance for which department personnel have appropriate authority.
2. Developing and implementing public awareness programs regarding the purpose of parks, trails and recreation facilities, programs, activities and services and the rules governing their use.
3. Encouraging voluntary compliance with rules based on awareness.

4. Training department personnel in the appropriate use of administrative sanctions as a means of park rule enforcement.

5. Notification of Tukwila Police Department officers who have primary jurisdiction whenever department personnel observe violations of park rules requiring further law enforcement authority or other violations of local, state, or federal laws; whenever there is an emergency requiring law enforcement assistance; or whenever they need assistance in executing their responsibilities pursuant to this chapter.

B. Tukwila Police Department:

1. Issuing a special commission and associated training of personnel authorized to issue citations for infractions and misdemeanor offenses.

2. Providing supplementary patrols in parks, facilities and during events, activities and programs as jointly determined by the Director and Chief of Police.

3. Responding, as appropriate, to requests from department personnel for assistance in situations beyond their capacity or authority to act.

x.xx.xxx Enforcement methods.

A. *Enforcement Authority in Parks.* In addition to any other enforcement authority, when any city employee, park ranger or police officer has probable cause to believe that any person within a park has committed a crime as defined by the RCW or by the Tukwila Municipal Code, or has violated any ordinance, rule or regulation established by this park code or by Parks and Recreation Department, the police officer, park ranger or employee may:

1. Order such person to immediately leave the park and/or recreation program. Any person refusing to comply with such an order or returning to the park and/or recreation program on the same calendar day as such an order is subject to prosecution for criminal trespass pursuant to Chapter 9A.52 RCW, TMC 8.23 and/or TMC 8.40.040; and

2. Issue the person a trespass order prohibiting them from a park and/or recreation program for a specified period pursuant to TMC 8.23.030 as currently enacted or as subsequently amended. Persons receiving such an exclusion order who return to the park and/or recreation program within the exclusion period are subject to prosecution for criminal trespass pursuant to Chapter 9A.52 RCW, TMC 8.23 and/or TMC 8.40.040.

x.xx.xxx Severability.

If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect